

Notice of Allowability

Application No.

10/630,499

Applicant(s)

JOHN L BENNETT

Examiner

TISHA D. LEWIS

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on October 25, 2005.
2. ☒ The allowed claim(s) is/are 1,2,4,8,11-14 and 16-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached.
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

The following is a response to the amendment received on October 25, 2005 which has been entered.

Response to Amendment

Claims 1, 2, 4, 8, 11-14 and 16-29 are pending in the application. Claims 3, 5-7, 9-10 and 15 are cancelled.

-The 102(b) rejection of claims 1, 4, 8, 18, 21 and 22 has been withdrawn due to applicant amending claim 1 with the indicated allowable subject matter of claim 9 (withdrawn from 103(a) rejection in the advisory action filed October 17, 2005).

Allowable Subject Matter

Claims 1, 2, 4, 8, 11-14 and 16-29 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for:

-(as to claim 1) an axle assembly having a first and second axle shaft defining a first axis of rotation, an electric motor defining a second axis of rotation transverse to the first axis, a first stage gear reduction driven by the electric motor on the second axis, a second stage gear reduction driven by the first stage and having a ring gear driven about the first axis of rotation and a third stage gear reduction driven by the ring gear and coupled to a differential in combination with all the remaining limitations of claim 1.

-(as to claim 2) an axle assembly having a first and second axle shaft defining a first axis of rotation, a first electric motor defining a second axis of rotation transverse to the first axis, a second electric motor defining a third axis of rotation transverse to the

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first axis, a first stage gear reduction driven by at least one electric motor on the second axis, a second stage gear reduction driven by the first stage and having a ring gear driven about the first axis of rotation in combination with all the remaining limitations of claim 2.

-(as to claim 13) an axle assembly having a first and second axle shaft defining a first axis of rotation, a first electric motor defining a second axis of rotation transverse to the first axis, a second electric motor defining a third axis of rotation transverse to the first axis, a first stage gear reduction including a first drive gear driven by the first electric motor on the second axis and a second drive gear driven by the second electric motor on the third axis, a second stage gear reduction driving a differential and driven by the first stage in combination with all the remaining limitations of claim 13.

-(as to claim 27) a drive system for a multi-axle vehicle having a pair of longitudinal members of a frame, a first axle shaft defining a first axis of rotation transverse to the members, an electric motor defining a second axis of rotation transverse to the first axis of rotation within a common plane and having a component parallel to the members, a first stage gear reduction driven by the electric motor and having a driven gear mounted along a common axis of rotation parallel to the second axis with a pinion gear of a second stage gear reduction and the second stage having a ring gear driven about the first axis in combination with all the remaining limitations of claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-Thur 6 AM TO 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl
October 30, 2005


TISHA LEWIS
PRIMARY EXAMINER
AU 3681 10/30/05